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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,393	12/16/1998	MASARU KUMAZAWA	981488	8510

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EXAMINER

GRANT II, JEROME

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,393

Applicant(s)

KUMAZAWA, MASARU

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-18, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

12150017 GRANT II
FEDERAL EXAMINER

Application/Control Number: 09/212,393

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Detailed Action

1.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18, 20 and 21 are rejected under 35 U.S.C. 112 first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification has been reviewed and found not to provide an adequate teaching for, "... transferring unit that transfers the printing data to a printer without retaining any of the printing data in the controller when printing is resumed after an error has occurred in the printer..." Similar language appears in claims 11 and 12.

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1, 3, 5, 7- 12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani.

With respect to claim 1, Mizutani teaches a controller (including the combination of elements CPU 16, network section 17, bus 21, ROM 18 and RAM 19) that receives printing data for each page from a host (client at terminal 1 or 2); a data transfer unit CPU and bus line 21 for transferring the printing data to a printer (output engine 20) and controls the printer to print the printing data while monitoring states thereof characterized in that in comprises: an analyzing unit (3c) that analyzes the print data and manages the number of pages transferred to the printer and an error processing unit (3f) that passes error data and the number of pages of which printing have been completed to the host when an error in which data is not assured occurred n the printer.

With respect to claims 3 and 14, Mizutani teaches a storage unit RAM 14 that stores preset data of the printers to be connected to the controller 10. The analyzing circuit 3c

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and the error processing circuit 3f execute based on the data prestored in the RAM 14.

See figure 2A and 3A.

With respect to claims 5, 7 and 15, Mizutani teaches a CPU 10 in combination with RAM 14 for determining functions of the printer, see col. 6, lines 12-16. The analyzing circuit 3c and the error processing circuit 3f execute functions in accordance with the recognition circuit, described above.

With respect to claims 8, 9, 16 and 17, the preset data stored in RAM 14 from the network 4 which functions as the host. See col. 5, lines 40-42 and 50-55.

With respect to claims 10 and 18, Mizutani teaches that when the printer is incapable of transmitting a completion of the paper feed, do to reasons described at col. 9, lines 7-11, for example, the error processing unit 3f, along with the user analyzing the display screen 5 or 5', can estimate the number of pages which have been completed and the ones which need to be completed. See col. 9. The top portion of col. 10 addresses how the data is arranged , i.e., in block form according to the type of error as it occurs and will appear to the user on the display screen.

With respect to claim 11, Mizutani teaches a printing system comprising a host (user at the other end of network 4) comprising a controller (CPU 10, 16 in combination with unit 3) that receives printed data for each page transmitted from the host, the controller includes an analyzing unit 3c and and error processing unit 3f. The host transmits data which has not been completed after it has been determined where the error has

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occurred, as instructed by the error sending device 3g and identifying the sender of the job that contained the error via circuit 3i. Again, reprinting is executed when the host device is informed as to the location of where the error occurred in the printing operation.

With respect to claim 12, Mizutani teaches a recording medium readable by a computer (ROM 13) for enabling a computer to proceed the step of receiving printing data for each page from a host, while a controller monitors the process: said program (bottom of col. 5) has a program for allowing the analyzing unit 3c to function as claimed and the error processing unit 3f to functions as claimed. See also col. 9 in its entirety which explains how data is sent from the host to the printer after an error has been detected.

Claims Objected as Containing Allowable Subject Matter

1. Claims 2, 4, 6 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 21 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 21 and 22 incorporate the limitation of claim 2.

Claims Allowed

Claims 19 and 20 are allowed.

Claims 19 and 20 are allowed for the reason the prior art does not teach or suggest in claimed combination, the limitation which is included in claim 2.

II. Examiner's Remarks

Applicant has filed a RCE application amending the claims to recite that a controller does not retain any printing data when resuming from a detected error. This limitation does not appear to be supported in the written specification of the invention. Moreover, it appears to operate opposite to that which is claimed. There are at least two sections of the written specification which suggests that data is "retained" in the controller upon resuming when an error has been detected.

First, at page 5 lines 23-32 it states in part that, "...wherein when an error occurs in the printer, said host transmits printing data of which printing has not been completed to the controller based on data informed by the controller after the printer is recovered by correcting the error..." Hence, printing data is retained in the controller to the extent that from the controller it is later transmitted to the printer according to a software program. Data not retained in the controller occurs when the controller does not obtain it but gives instructions for some other element to process it. Technically, data could otherwise be retained in the controller of the present invention for a few milliseconds, which is enough time for it to transfer the result to the printer.

Second, at page 9, lines 10-15, the specification states in part, "The network control unit 21 comprises a receiving buffer 21a and a transmitting buffer 21b, thereby receiving data transmitted from the host 10 and transferring the data to the analyzing unit 22, and transmitting error data and/or print completion signal to the host 10." Hence control unit 20, as shown by figure 2, comprises a controller 20 and buffers 21a for "retaining" print data received from the host. Hence, the claim language appears to be repugnant to the specification.

With respect to applicant's arguments presented in the RCE, applicant states that pages 23 and page 2 lines 28-31 provide support for the new limitation of claim 1.

The examiner does not agree. The examiner stated in the office action, dated Sept. 16, 2003, that there was insufficient support for the claimed limitation. Applicant's specification at page 23 first lettered paragraph, only explained that when an error occurred there was no data retained in the controller. However, there was no specific teaching as to how this would be done, since controller 20 seems to have elements 21,

21a, 21b and 23 for storing data. In other words, page 23 only explained the applicant's intent regarding what would later be claimed subject matter. However, applicant has not shown how he would achieve this function.

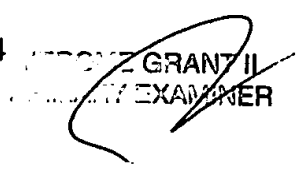
Contrary to applicant's contention, page 2, lines 28-31 offers no support for the new limitation as claimed. In other words, there is no mention of a controller not retaining information upon a resuming function when an error has been detected at the printer.

III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is (703) 305-4391. The examiner can normally be reached on Mon. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

J. Grant II
Sept. 27, 2004


JEROME GRANT II
EXAMINER